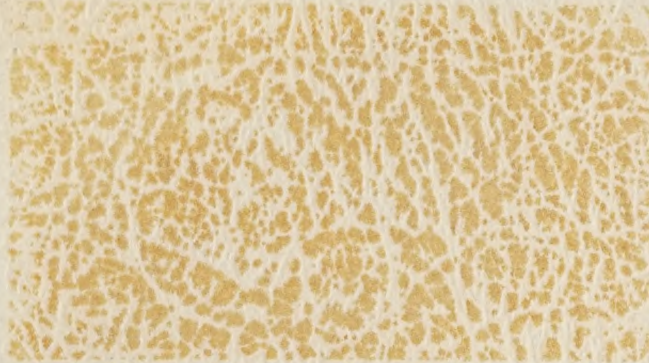


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ONTARIO LABOUR RELATIONS BOARD

RULES OF PROCEDURE



JANUARY 1993



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HOW TO USE THESE RULES

These rules have a general part, which applies to all cases, and specific sections, which apply only to particular kinds of cases. This means you should read the general part first, whatever kind of case you have. To help you find a rule in the general part, the Index sets out the areas covered by the different rules, such as "Representation Votes" or "Applications". You should then check to see if your case is also covered by a specific section in the rules. The kinds of cases for which there are specific rules are set out in the Index under "Specific Cases", for example "Certifications" or "Jurisdictional Disputes". If a specific rule conflicts with one of the general rules, the specific rule is the one that applies to the extent necessary.

Some kinds of cases can be expedited. For rules about expedited cases, you should check the Index for "Requests to Expedite Hearings". In addition, some words used in these rules have specialized meanings. The definitions for these words are set out at the beginning of these rules.

The Board also issues practice notes which you should check as well for further information. These practice notes and the Board's forms can be obtained from the Board which is currently located on the 4th floor at 400 University Avenue, Toronto, Ontario (416 326-7500).



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PART I - DEFINITIONS

1. In these Rules,

- a) "Act" means the Labour Relations Act;
- b) "application" includes any application, complaint, statement of representations, referral or request made to the Board under the Act or these Rules, and "applicant" means anyone making an application;
- c) "Board" means Ontario Labour Relations Board;
- d) "case" means a proceeding before the Board;
- e) "deliver" includes delivery by facsimile transmission;
- f) "evidence of objection" includes written and signed evidence that an employee who had become or had applied to become a member of a trade union has cancelled, revoked or resigned his or her membership or application for membership or has otherwise expressed a desire not to be represented by a trade union;
- g) "evidence of re-affirmation" includes written and signed evidence that an employee who had become or had applied to become a member of a trade union had cancelled, revoked or resigned his or her membership or application for membership or otherwise expressed a desire not to be represented by a trade union, but has subsequently changed his or her mind by expressing a desire to be represented by a trade union;
- h) "file" means file with the Board, and a "filing" is anything that is filed;
- i) "in the way required by these Rules" includes the form and time required by the Rules;
- j) "membership evidence" includes written and signed evidence that an employee is a member of a trade union, has applied to become a member or has otherwise expressed a desire to be represented by a trade union;
- k) "party" includes a person named in an application, a person asking to participate in a case, or a person added as a party by the Board, but does not include a person who the Board has decided is not a party;
- l) "person" includes a partnership, company, employer, employers' organization, trade union and council of trade unions;
- m) "Registrar" means the Registrar of the Board and includes her or his representative;
- n) "responding party" means anyone named in the application or who responds to it and includes an intervenor; and

- o) "response" includes a reply, intervention, statement of desire, or any other response to an application.
- 2. The definition of "party" in Rule 1 does not affect the issue of who has standing to participate in a case.

PART II - GENERAL

Time

- 3. Where these Rules refer to a period of time, that period of time does not include Saturdays, Sundays and statutory holidays.

Forms and Practice Notes

- 4. The Board may set the forms to be used in its cases, and may change those forms from time to time. Copies of the forms may be obtained from the Board's office in Toronto.
- 5. The Board may issue practice notes from time to time, which should be referred to for further information.

Filing and Delivery

- 6. All filings with the Board must be made in the proper form, if any, and in the way required by these Rules.
- 7. All parties must file seven (7) copies of their application or response.
- 8. The date of filing is the date a document is received by the Board or, if it is mailed by registered mail addressed to the Board at its office at Toronto, the date on which it is mailed, as verified in writing by the Post Office. However, the date of filing in cases brought under sections 11.1, 41, 73.1, 73.2, 92.1, 92.2, 93, 94, 95, 126 and 137 of the Act is the date the document is received by the Board.
- 9. Applications, responses, membership evidence, evidence of objection and re-affirmation and evidence of employee wishes concerning representation may not be filed by facsimile transmission. Only other documents which are short and urgent may be sent to the Board by facsimile transmission.
- 10. The date a document is delivered is the date that document is received by another party or its authorized representative.

Applications

- 11. Every case must be started by completing and filing the proper form and filing any other documents required by these Rules.

12. Any application filed with the Board must include the following details:
- a) the full name, address, telephone number and facsimile number (if any) of the applicant, of a contact person for the applicant, of the responding party and of any other person who may be affected by the application;
 - b) the sections of the Act that relate to the application, including the sections of the Act that are claimed to have been violated, if any;
 - c) a detailed description of the orders or remedies requested; and
 - d) a detailed statement of all the material facts on which the applicant relies, including the circumstances, what happened, when and where it happened, and the names of any persons said to have acted improperly.

Responses

13. A person receiving notice of an application who wants to participate in any way in the case, must file a response with the Board by the terminal date, if any. If there is no terminal date, he or she must file the response not later than twelve (12) days after the Registrar sent the notice.
14. Any response filed with the Board must include the following details:
- a) the full name, address, telephone number and facsimile number (if any) of the responding party, of a contact person for the responding party and of any other person who may be affected by the application;
 - b) a statement of agreement or disagreement with each fact or allegation in the application;
 - c) a statement of the responding party's position with respect to the orders or remedies requested by the other parties;
 - d) where the responding party relies on a version of the facts different from the applicant's, a detailed statement of all material facts on which the responding party relies, including the circumstances, what happened, when and where it happened, and the names of any persons said to have acted improperly.

Estimates and Disclosure of Documents

15. Each party must file, in the form set by the Board and within the time period set by the Registrar, an accurate estimate of the number of hearing days it will take for the case to be heard and the number of witnesses it will be calling. Each party must file, at the same time, copies of all documents upon which it will be relying in the case, and each party must deliver copies of those documents to each of the other parties.

Obligation to Make Allegations Promptly

16. Where a party in a case intends to allege improper conduct by any person, he or she must do so promptly after finding out about the alleged improper conduct and provide a detailed statement of all material facts relied upon, including the circumstances, what happened, and when and where it happened, and the names of any persons said to have acted improperly.

Where Rules Not Complied With

17. An application or response may not be processed if it does not comply with these Rules.
18. The Board may decide an application without further notice to anyone who has not filed a document in the way required by these Rules.
19. If a party receiving notice of an application does not file a response in the way required by these Rules, he or she may be deemed to have accepted all of the facts stated in the application, and the Board may decide the case upon the material before it without further notice.
20. No person will be allowed to present evidence or make any representations at any hearing about any material fact relied upon which the Board considers was not set out in the application or response and filed promptly in the way required by these Rules, except with the permission of the Board. If the Board gives such permission, it may do so on such terms as it considers advisable.
21. The Board may also require a person to provide any further information, document or thing that the Board considers may be relevant to a case.
22. The Board may relieve against the strict application of these Rules where it considers it advisable.

Where A Person Does Not Attend A Hearing

23. Where any person has been notified of a hearing in the way required by these Rules and does not attend, the Board may decide the application without further notice to that person and without considering any document filed by that person.

Dismissal Without A Hearing

24. Where the Board considers that an application does not make out a case for the orders or remedies requested, even if all the facts stated in the application are assumed to be true, the Board may dismiss the application without a hearing. In its decision, the Board will set out its reasons. The applicant may within twelve (12) days after being sent that decision request that the Board review its decision.

Amending Filings

25. The Board may allow a filing to be amended as the Board considers advisable.

Adding or Removing Parties and Sending Documents

26. The Board may direct that any person be added or removed as a party or be sent any document, as the Board considers advisable.

Shortening or Lengthening Time Periods

27. The Board may shorten or lengthen any time period set out in or under these Rules, as it considers advisable.

Terminal Dates

28. The Registrar may set a terminal date in any proceeding.

Notice of Hearing

29. Where a hearing will be held in a case, written notice of the hearing will be given to all parties setting out the time, date and place of the hearing.
30. Where the Registrar considers that it is impractical to give written notice of the hearing, the Registrar may give verbal or other notice of the hearing.

Posting and Other Forms of Notices

31. The Registrar may give directions as he or she considers necessary to provide notice to any person.
32. The Registrar or the Board may require any person to post notices. The Registrar or the Board may also give any directions about the posting, including when the notices must be posted, where, how many and for how long.
33. The applicant and any person directed to post notices must promptly inform the Registrar of the date and time of the postings.

Adjournment or Consolidation of Cases

34. The Board may adjourn a case if it considers that the adjournment is consistent with the purposes of the Act. The Board may adjourn on such terms as it considers advisable.
35. The Board may consolidate or hear any cases together on such terms as it considers advisable.

Labour Relations Officers

36. A labour relations officer may be authorized in any case to meet with the parties, to help them resolve any issue, to make any inquiries, or for any other purpose.

37. Where the labour relations officer makes a report and it has been sent to the parties, the Board may direct that any party who wishes to make representations must file in writing a complete statement of those representations. If a party also wants to have an oral hearing, this request must be set out in the representations together with the reasons for the request.
38. Where no representations have been filed in the way required by Rule 37, or where there is no request for an oral hearing in the representations, the Board may decide the case on the material before it.

Representation Votes

39. Where the Board directs the taking of a representation vote, the Registrar may make all necessary directions and arrangements.
40. After the vote, or after the ballots have been counted where the ballot box was sealed, the returning officer will prepare a report of the vote which will be given or sent to the parties and which must be posted in the workplace by the employer.
41. Any party or person who wishes to make representations about the vote or the report must file those representations in writing promptly, and in any event within seven (7) days of the date the report was first posted. If a party or person wants an oral hearing, this request must be set out in the representations together with the reasons for the request in the way required by these Rules.

Other Matters

42. Where matters are not covered by these Rules, the practice will be decided in a similar way, or in a way the Board considers advisable.

PART III - RULES FOR SPECIFIC APPLICATIONS

Certification

43. An applicant for certification as bargaining agent must also file not later than the application filing date:
 - (a) any membership evidence relating to the application;
 - (b) a list of employees, in alphabetical order, corresponding with the membership evidence filed;
 - (c) a declaration verifying the membership evidence filed in the form set by the Board.
44. If the applicant is also requesting a combination of bargaining units, it must file an application for combination with the application for certification.

45. The following must also be filed by the employer named in the application, whether or not it responds to the application:
 - (a) schedules of employees in alphabetical order in the form set by the Board;
 - (b) a declaration verifying the schedules in the form set by the Board;
 - (c) sample employee signatures from existing employee records, arranged in alphabetical order.
46. If a trade union or council of trade unions that is sent notice and claims to represent any affected employees does not file a response by the terminal date, it may be deemed to have abandoned any claim to represent the affected employees.
47. Membership evidence, evidence of objection and evidence of re-affirmation will not be considered by the Board unless the evidence is filed by the application filing date, is in writing, signed by each employee concerned, and is accompanied by the name of the employer and the name, address, telephone number and facsimile number, if any, of a contact person.
48. Membership evidence, evidence of objection and evidence of re-affirmation must disclose the date upon which each signature was obtained and must be accompanied by the name of the union, if known.
49. The Board will not consider oral membership evidence, oral evidence of objection or oral evidence of re-affirmation, except to identify or substantiate the evidence referred to in Rules 47 and 48.
50. The Board may require that evidence of objection or evidence of re-affirmation be proven to be a voluntary expression of the wishes of the employees. The Board may decide an application without considering the evidence of objection or evidence of re-affirmation of any employee who does not appear at the hearing in person or by a representative and present evidence that includes testimony from his or her personal knowledge as to the circumstances of the written evidence, including how it was created and the way in which each signature on the document was obtained.
51. The Board will return to the sender or dispose of membership evidence or evidence of objection or re-affirmation if no relevant application for certification is filed within six (6) months of the time the Board received that evidence.

Termination of Bargaining Rights

52. An applicant for a declaration of termination of bargaining rights must also file, not later than the terminal date, any evidence relating to the application that employees do not wish to be represented by a trade union.
53. Any evidence that employees wish to be represented by a trade union must also be filed not later than the terminal date.

54. The following must also be filed by the employer named in the application, whether or not it responds to the application:
- (a) schedules of employees in alphabetical order in the form set by the Board;
 - (b) a declaration verifying the schedules in the form set by the Board;
 - (c) sample employee signatures from existing employee records, arranged in alphabetical order.
55. Evidence that employees wish to be represented by a trade union and evidence that employees do not wish to be represented by a trade union will not be considered by the Board unless the evidence is filed with the Board by the terminal date, is in writing, signed by each employee concerned, and is accompanied by the name of the employer and the name, address, telephone number and facsimile number, if any, of a contact person.
56. Evidence that employees wish to be represented by a trade union and evidence that employees do not wish to be represented by a trade union must disclose the date upon which each signature was obtained and must be accompanied by the name of the union, if known.
57. The Board will not consider oral evidence that employees wish to be represented by a trade union or oral evidence that employees do not wish to be represented by a trade union, except to identify or substantiate the evidence referred to in Rules 55 and 56.
58. The Board may require that the evidence referred to in Rules 55 and 56 be proven to be a voluntary expression of the wishes of the employees. The Board may decide an application without considering the evidence of any employee who does not appear in person or by a representative and present evidence that includes testimony from his or her personal knowledge as to the circumstances of the written evidence, including how it was created and the way in which each signature on the document was obtained.

Replacement Workers - Complaints under Sections 73.1 and 73.2, Applications for Directions under subsection 73.2(12), Applications for Modification under subsection 73.2(13), Applications for Enforcement under subsection 73.2(21)

59. An applicant or responding party may request that a case in relation to sections 73.1 and 73.2 of the Act be expedited in accordance with Rules 99 to 108.
60. Where the Board is satisfied that a case can be decided on the basis of the material before it, and having regard to the need for expedition in labour relations, the Board may decide an application under sections 73.1 and 73.2 of the Act without an oral hearing.
61. An application for directions under subsection 73.2(12) of the Act must include:
- (a) a detailed description of the bargaining unit affected by the application;
 - (b) the approximate number of employees in the bargaining unit;

- (c) the term and expiry date of the current collective agreement;
 - (d) the date of the conciliation officer's appointment, if any;
 - (e) the date of the no-board report, if any;
 - (f) a list of all documents that are relevant to the application, if the applicant has them, including:
 - (i) the employer's notice under subsection 73.2(4) of the Act, if any;
 - (ii) job descriptions for bargaining unit employees, managers and non-bargaining unit employees;
 - (iii) a copy of the organization chart of the employer;
 - (iv) work schedules respecting bargaining unit work for a representative period of at least 8 weeks;
 - (v) lists of affected bargaining unit employees, including occupational classifications, and lists of affected managers and non-bargaining unit employees;
 - (g) copies of those documents;
 - (h) work schedules proposed by the employer with respect to bargaining unit work during the strike/lock-out period;
 - (i) where the parties have tried to negotiate an agreement about the use of striking and locked-out employees and specified replacement workers, a list of those issues agreed upon and a list of those issues remaining in dispute;
 - (j) a copy of a proposed agreement, if any, that the applicant is prepared to sign;
 - (k) complete written representations in support of its position.
62. A response to an application under subsection 73.2(12) of the Act must include:
- (a) a detailed description of the bargaining unit affected by the application;
 - (b) the approximate number of employees in the bargaining unit;
 - (c) the term and expiry date of the current collective agreement;
 - (d) the date of the conciliation officer's appointment, if any;
 - (e) the date of the no-board report, if any;
 - (f) a list of all documents which are relevant to the application, if the responding party has them, including:

- (i) the employer's notice under sub-section 73.2(4) of the Act, if any;
 - (ii) job descriptions for bargaining unit employees, managers and non-bargaining unit employees;
 - (iii) a copy of the organization chart of the employer;
 - (iv) work schedules respecting bargaining unit work for a representative period of at least 8 weeks;
 - (v) lists of affected bargaining unit employees, including occupational classifications, and lists of affected managers and non-bargaining unit employees;
 - (g) copies of those documents not already filed by the applicant;
 - (h) work schedules proposed by the employer with respect to bargaining unit work during the strike/lock-out period;
 - (i) where the parties have tried to negotiate an agreement about the use of striking and locked-out employees and specified replacement workers, a list of those issues agreed upon and a list of those issues remaining in dispute;
 - (j) a copy of a proposed agreement, if any, that the responding party is prepared to sign;
 - (k) complete written representations in support of its position.
63. An application for modification of a Board decision under subsection 73.2(13) of the Act must include:
- (a) a detailed statement setting out the change in circumstances justifying a change of the Board's decision;
 - (b) a copy of the Board's earlier decision;
 - (c) complete written representations in support of the applicant's position.
64. A response to an application under subsection 73.2(13) of the Act must include complete written representations in support of the responding party's position.
65. An application to enforce an agreement under subsection 73.2(21) of the Act must include a copy of the agreement and complete written representations in support of the applicant's position.
66. A response to an application under subsection 73.2(21) must include complete written representations in support of the responding party's position.

First Contract Arbitration

67. An application for first contract arbitration under section 41 of the Act must also include:
- (a) the date of the certificate or voluntary recognition agreement;
 - (b) a detailed description of the bargaining unit affected by the application;
 - (c) the approximate number of employees in the bargaining unit;
 - (d) the name, address, facsimile number, if any, and telephone number of the primary negotiator for the applicant;
 - (e) the date of the no-board report;
 - (f) the dates on which negotiations were held or scheduled to be held;
 - (g) a list of all documents on which the applicant intends to rely;
 - (h) a copy of those documents, if the applicant has them;
 - (i) a list of all those bargaining issues agreed upon in writing and a list of those bargaining issues that remain in dispute; and
 - (j) a copy of a proposed collective agreement that the applicant is prepared to sign.
68. Before filing the application with the Board, the applicant must deliver to the responding party:
- (a) a copy of the application; and
 - (b) a copy of the form set by the Board for responding to the application.
69. The responding party must file its response not later than eight (8) days from the day the application was delivered. The response must include:
- (a) a detailed description of the bargaining unit affected by the application;
 - (b) the approximate number of employees in the bargaining unit;
 - (c) the name, address, facsimile number, if any, and telephone number of the primary negotiator for the responding party;
 - (d) a description of the general nature of the employer's business;
 - (e) a list of all documents on which the responding party intends to rely;
 - (f) copies of those documents not already filed by the applicant, if the responding party has them;

- (g) a list of those bargaining issues agreed upon in writing and a list of those bargaining issues that remain in dispute; and
 - (h) a copy of a proposed collective agreement that the responding party is prepared to sign
70. Before filing the response with the Board, the responding party must deliver a copy of the completed response to the applicant.
71. At the time of filing, the parties must verify in writing to the Board that they have delivered the application and response as required by these Rules.

Jurisdictional Disputes

72. An applicant must file with the application, and every responding party must file with any response,
- (a) any collective agreement;
 - (b) any agreement or understanding between the trade unions as to their respective jurisdictions or work assignment;
 - (c) any agreement or understanding between a trade union and an employer as to work assignment;
 - (d) any decision of any tribunal respecting work assignment; and
 - (e) any other document,
- relating to the work in dispute which may be in their possession and on which they intend to rely to support their claim for relief or that the relief asked for should not be given, and a statement about any area or trade practice relating to the work in dispute, and pictures, diagrams or drawings of the disputed work.
73. Each party must also file at the same time as they file an application or response a brief which contains a statement of the issues in dispute, including a detailed description of the work in dispute, and the facts on which they intend to rely.
74. Each party must deliver the documents set out in Rules 72 and 73 to the other parties before filing them. Each party must, at the time of filing, verify to the Board in writing that they have delivered the documents as required by these Rules.
75. The responding parties' materials must be delivered and filed within 10 days of delivery of the application.
76. Where the Board is satisfied that a case can be decided on the basis of the material before it, and having regard to the need for expedition in labour relations, the Board may decide an application under section 93 of the Act without an oral hearing.

Successor Rights -- Trade Union

77. An application for a declaration concerning trade union successor status under section 63 of the Act must include:
- (a) a list of all relevant documents and copies of those documents; and
 - (b) complete written representations in support of the specific order requested.
78. A response to an application under section 63 of the Act must state whether an oral hearing is requested and also include:
- (a) reasons for the request, if made;
 - (b) a list of all relevant documents and copies of those documents; and
 - (c) complete representations in support of its position with respect to the specific order sought by the applicant.

Applications under subsection 108(2) -- Employee or Guard Status

79. In order to expedite proceedings, the Board may, on such terms as it considers advisable, shorten or lengthen any time period, change any filing or delivery requirement, schedule a hearing, if any, on short notice, make or cause to be made such examination of records or such other inquiries as it considers necessary in the circumstances, or limit the parties' opportunities to present their evidence or to make their submissions.
80. Where the Board is satisfied that a case can be decided on the basis of the material before it, and having regard to the need for expedition in labour relations, the Board may decide an application under subsection 108(2) of the Act without an oral hearing.

Ministerial References

81. Where the Board receives a reference from the Minister under the Act, or under the Hospital Labour Disputes Arbitration Act, the Registrar may direct the parties identified by the Minister to file written material as required by Rules 12 and 14. Such direction may also require that the written material filed:
- (a) state whether or not a hearing is requested;
 - (b) where a hearing is requested, state the reasons for the request;
 - (c) contain a list of all relevant documents and copies of those documents, if the party has them;
 - (d) include any other information or document, as required by the Registrar.
82. Material must be filed by the parties in the way required by the Registrar.

Requests for Reconsideration

83. A request for reconsideration under subsection 108(1) of the Act must include complete written representations in support of the request.
84. Where a party is directed to file a response to the request, it must include complete written representations in support of its position.
85. No request for reconsideration will be considered where it is filed thirty (30) or more days after the date of the Board's decision, except with the permission of the Board.

Applications for Interim Order

86. An application for an interim order under section 92.1 of the Act must include:
 - (a) one or more declarations signed by persons with first-hand knowledge, detailing all of the facts upon which the applicant relies, including what harm, if any, will occur if the interim order is not granted. Each signed declaration must include the following statement: "This declaration has been prepared by me or under my instruction and I hereby confirm its accuracy"; and
 - (b) complete written representations in support of the applicant's position.
87. Where the application for an interim order is made in a case that has already been started, the application must include a copy of the application in that case. Where the application for an interim order relates to a case that the applicant intends to start, the application must include a copy of the application that the applicant intends to file in that case and must also state when the applicant intends to file that application.
88. Before filing its application with the Board, the applicant must deliver to the responding party:
 - (a) a copy of the application for an interim order;
 - (b) a copy of the pending or intended application in relation to which the interim order is being requested;
 - (c) a copy of the form set by the Board for responding to the application for interim order.
89. A responding party must file a response to the application not later than two (2) days after the application was delivered. A completed response must also include:
 - (a) one or more declarations signed by persons with first-hand knowledge, detailing all of the facts upon which the responding party relies, including what harm, if any, will occur if the interim order is granted. Each signed declaration must include the following statement: "This declaration has been prepared by me or under my instruction and I hereby confirm its accuracy"; and

- (b) complete written representations in support of its position.
- 90. Before filing its response with the Board, the responding party must deliver a copy of the response to the applicant.
- 91. At the time of filing, the parties must verify in writing to the Board that they have delivered the application and response as required by these Rules.
- 92. In order to expedite proceedings, the Board may, on such terms as it considers advisable, shorten or lengthen any time period, change any filing or delivery requirement, schedule a hearing, if any, on short notice, make or cause to be made such examination of records or such other inquiries as it considers necessary in the circumstances, or limit the parties' opportunities to present their evidence or to make their submissions.
- 93. Where the Board is satisfied that a case can be decided on the basis of the material before it, and having regard to the need for expedition in labour relations, the Board may decide an application under section 92.1 of the Act without an oral hearing.

Requests to Expedite Hearings under Section 92.2 (Complaints during Organizing Activities) and under Sections 94, 95 and 137 (Unlawful Strikes or Lockouts)

- 94. Before filing a request for an expedited hearing under sections 92.2, 94, 95 or 137 of the Act with the Board, the applicant must deliver to the responding party:
 - (a) a copy of the request in the form set by the Board;
 - (b) a copy of the application about which the request is made; and
 - (c) a copy of the form set by the Board for responding to the application.
- 95. A responding party must file its response to the application under section 92.2 of the Act not later than five (5) days after the request for expedition was delivered. A responding party must file its response to the application under sections 94, 95 or 137 of the Act not later than two (2) days after the request for expedition was delivered.
- 96. Before filing the response with the Board, the responding party must deliver a properly completed copy of the response to the applicant.
- 97. At the time of filing, the parties must verify in writing to the Board that they have delivered the request, complaint and response as required by these Rules.
- 98. In order to expedite proceedings, the Board may, on such terms as it considers advisable, shorten or lengthen any time period, change any filing or delivery requirement, schedule a hearing on short notice, or make or cause to be made such examination of records and such other inquiries as it considers necessary in the circumstances.

Requests to Expedite Hearings in Relation to Sections 11.1 (Access to Property), 73.1 (Replacement Workers) and 73.2 (Specified Replacement Workers) of the Act

99. In order to expedite proceedings, the Board may, on such terms as it considers advisable, shorten or lengthen any time period, change any filing or delivery requirement, schedule a hearing, if any, on short notice, make or cause to be made such examination of records or such other inquiries as it considers necessary in the circumstances, or limit the parties' opportunities to present their evidence or to make their submissions.
100. Where the Board is satisfied that a case can be decided on the basis of the material before it, and having regard to the need for expedition in labour relations, the Board may decide an application under sections 11.1, 73.1 or 73.2 of the Act without an oral hearing.
101. A request by an applicant to expedite proceedings in relation to sections 11.1, 73.1, or 73.2 of the Act must be made in the form set by the Board. The applicant making the request must file its request together with the completed application.
102. Before filing its request with the Board, the applicant must deliver to the responding party:
 - (a) a copy of the request;
 - (b) a copy of the application that the applicant seeks to expedite; and
 - (c) a copy of the form set by the Board for responding to the application.
103. A responding party must file its response to the application that the applicant seeks to expedite not later than two (2) days after the request was delivered, or within such time as the Board may allow or direct.
104. Before filing the response with the Board, the responding party must deliver a copy of the response to the applicant.
105. At the time of filing, the parties must verify in writing to the Board that they have delivered the application, request and response as required by these Rules.
106. Where proceedings have been commenced in relation to sections 11.1, 73.1 or 73.2 of the Act and the applicant has not filed a request to expedite the proceedings, a responding party may request that the proceedings be expedited by filing the request in the form set by the Board together with its response to the application.
107. Before filing its request with the Board, the responding party must deliver to the applicant:
 - a) a copy of the request; and
 - b) a copy of the response to the application.

108. At the time of filing, the responding party must verify in writing to the Board that it has delivered the request and response as required by these Rules.

PART IV - CONSTRUCTION INDUSTRY

General

109. In construction industry proceedings, where there is any conflict between the construction industry rules or practice notes and any other rules or practice notes, the construction industry provisions apply.
110. Where the Board is satisfied that a case can be decided on the basis of the material before it, and having regard to the need for expedition in labour relations, the Board may decide an application under sections 119 to 138 of the Act without an oral hearing.

Certification

111. Where an application for certification is filed pursuant to the construction industry provisions and the Board finds that the application does not come within those provisions, the Board shall issue such directions as it considers necessary for the processing of the application.

Accreditation and Termination of Accreditation

112. A copy of the applicant's charter, constitution or by-laws must be filed with an application for accreditation.
113. The applicant for accreditation must also file by the terminal date proof that it is authorized by each employer whom it represents to act as a bargaining agent.
114. The applicant for accreditation must also file, not later than the second day after the terminal date, a declaration concerning representation documents in the form set by the Board.
115. If an employers' organization, trade union or council of trade unions that is served with notice or claims to have an interest in the application does not file a response by the terminal date, it may be deemed to have abandoned any claim to have an interest in the application.
116. The Registrar may set an employer date in any application and may change that employer date if he or she considers it advisable.
117. An employer who is served with notice must make an employer filing in the form set by the Board not later than the employer date. An employer who has made an employer filing may appear at the hearing.

118. Evidence of representation or of objection or that employers no longer wish to be represented by an accredited employers' organization will not be considered by the Board unless the evidence is in writing, and signed by each employer concerned, and is accompanied by the full name, address, telephone number and facsimile number, if any, of each employer concerned and of a contact person.
119. Evidence of representation or that employers no longer wish to be represented by an accredited employers' organization must be filed no later than the terminal date.
120. Evidence of objection must be accompanied by the full name, address, telephone number and facsimile number, if any, of the employers' organization and must be filed not later than the employer date.
121. The Board will not consider oral evidence of representation or of objection or that employers no longer wish to be represented by an accredited employers' organization, except to identify or substantiate the evidence referred to in Rules 118 to 120.
122. Any employer or group of employers affected by an application who wishes to make representations in opposition to the application must file a statement in writing in the form set out by the Board not later than the employer date. Any employer or group of employers who has filed such a statement may appear at the hearing.
123. Where any employer or group of employers files a statement and does not appear at the hearing or send a representative to present evidence as to the circumstances of the written evidence, including how it was created and the way in which each signature was obtained, the Board may dispose of the application without considering the statement.

PART V - TRANSITION PROVISIONS

124. These Rules come into force on January 1, 1993.
125. These Rules apply to all cases before the Board on the date these Rules come into force, unless the Board orders otherwise.
126. Any case started or document filed in accordance with R.R.O. 1990, Regulation 686 before the coming into force of these Rules is not invalidated merely because such act or filing does not conform to these Rules.

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